

Return to:  
City Clerk Clare Hoeni  
City of Palm Coast  
264 Palm Coast Pkwy.  
Palm Coast, FL 32137

**CITY OF PALM COAST'S NOTICE OF FILING**  
**RELATING TO VARIOUS CITY INTERLOCAL AGREEMENTS**

COMES NOW the *CITY OF PALM COAST, FLORIDA*, by and through its *City Clerk* and hereby files *originals and, where necessary certified copies* of the documents listed in *Exhibit A*; to wit: these interlocals *which have been executed by James V. Canfield*. The purpose of this filing is complete the process as outlined in Florida Statute Section 163.03 (11), relating to interlocal agreements and to provide due and public notice of the action within and contents of the subject documents.

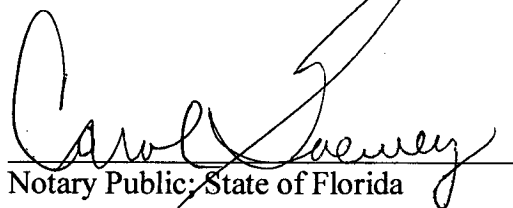
DATED this 15th day of March, 2004.

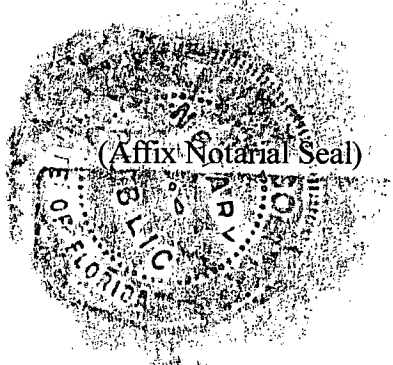


Clare M. Hoeni  
City Clerk

STATE OF FLORIDA  
COUNTY OF FLAGLER

SWORN TO AND SUBSCRIBED before me this 15<sup>th</sup> day of March, 2004, by **Clare M. Hoeni** who is personally known to me.

  
Notary Public, State of Florida



Date Approved	Entity	Interlocal Agreement For:
03/07/00*	Flagler County	Park Impact Fees - Ordinance 2000-14 CBDG – Block Grant
03/20/00	Flagler County	Administrative Services
09/26/00	Flagler County	<ul style="list-style-type: none"> <li>a. Employee Transfers</li> <li>b. Park Impact Fee Collection</li> <li>c. Transportation Impact Fee Collection</li> <li>d. Development Related Services</li> <li>e. Maintenance of County Roads</li> <li>f. E911 Emergency Addressing</li> <li>g. Automatic Aid/Closest Unit Response</li> </ul>
03/02/01	Flagler County	Pine Cone & Club House
06/27/01	Flagler County	Distribution of Optional Gas
07/21/01	Flagler County	Transferred of Certain Streets & Maintenance
07/24/01	Flagler County	Countywide Beautification
11/06/01	Flagler County	Property Appraiser – Mapping Services
11/20/01	Volusia County	Volusia County Unified Code
01/01/02	Volusia County	Volusia County Solid Waste
02/05/02		<ul style="list-style-type: none"> <li>a. Transfer of Hardgrove Grade*</li> <li>b. Florida Park Drive Sidewalk Project</li> </ul>
07/02/02	Flagler County	Gas Revenue Disbursement
09/17/02	Flagler County	Halifax Hospital
11/11/02	Flagler County Sheriff	Law Enforcement
11/18/02	Flagler County	Distribution of Local Government Infrastructure Surcharge
05/30/03	Flagler County	Joint Bus Agreement
11/21/03	Flagler Co. School Brd.	Public School Facility Planning

**INTERLOCAL AGREEMENT  
BETWEEN FLAGLER COUNTY, FLORIDA AND  
THE CITY OF PALM COAST, FLORIDA  
REGARDING TRANSPORTATION IMPACT FEES**

THIS INTERLOCAL AGREEMENT, entered into this 29 day of September, 2000 between the COUNTY OF FLAGLER, (hereinafter known as COUNTY), and the City of Palm Coast, (hereinafter known as CITY);

**WITNESSETH:**

WHEREAS, the COUNTY has established by Chapter 17, Article III, *Flagler County Code*, a Transportation Facilities Impact Fee which is collected on all new construction on a Countywide basis;

WHEREAS, beginning on October 2, 2000, the CITY as part of its building permit process will collect a Transportation Facilities Impact Fee on behalf of the COUNTY prior to the issuance of a building permit;

WHEREAS, the COUNTY wishes to co-ordinate with the CITY in transportation planning as it relates to County roads located in the City limits; and

WHEREAS, the parties are authorized by Chapter 163, *Florida Statutes*, to enter into Interlocal Agreements for the efficient performance of governmental functions;

NOW, THEREFORE, for and in consideration of the mutual benefits set forth herein, the parties hereby covenant and agree as follows:

1) The CITY shall collect all Transportation Facilities Impact Fees for new construction within the CITY and shall remit such fees to the COUNTY quarterly. The CITY shall be compensated with a service fee of three percent (3%) of the gross fees collected. Such fee shall be deducted from the amount received by the CITY prior to the remittance to the COUNTY. The CITY will assist the COUNTY'S auditors in reviewing the process annually.

2) The CITY shall calculate the amount of the Transportation Facilities Impact Fee to be collected in conjunction with each building permit application. The COUNTY hereby releases CITY and CITY's officers, employees and agents from any liability for good faith errors in the determination of the amount of Impact Fees payable.

The COUNTY shall calculate the amount of any credits which are claimed as an offset to Impact Fees otherwise due and payable. The CITY assumes no responsibility for ensuring the COUNTY'S compliance with any impact fee agreements entered into by the COUNTY. The COUNTY shall be solely responsible for ensuring compliance with impact fee agreements whether said impact fees are collected by the COUNTY or by the CITY.

In the event of a challenge to the amount of the impact fee calculated by the CITY, that challenge shall be referred to the COUNTY for dispute resolution, including, where applicable, an appeal of the fee determination.

3) The COUNTY shall set Transportation Facilities Impact Fees and shall advise the CITY of those fees and any other matters concerning their collection and implementation.

4) To the extent permitted by law, the CITY shall be exempt from the imposition and collection of impact fees for the construction of any municipal building used for municipal purposes.

5) The COUNTY has conducted a study and has determined the major transportation projects within the corporate limits of the CITY. A listing of qualifying roads within the CITY is attached hereto as EXHIBIT "A". The COUNTY will coordinate with the CITY concerning project priority determinations of roadway improvement projects within the CITY.

6) The COUNTY may expend local Transportation Facility Impact Fee funds on State arterial roads located in the CITY provided that the State roadway segment is exceeding the adopted County LOS Standard and State (FDOT) funds are not available. The COUNTY will require formal agreements with the State Department of

Transportation (FDOT) for the reimbursement of local Transportation Facility Impact Fee funds expended on the State arterial road network.

7) The COUNTY will review the County's Road Network System, comprised of State arterial and County collectors annually, for possible inclusion of collector roadways located within the CITY. The COUNTY will co-ordinate with the CITY in conducting that review.

8) All notices or other documents required or permitted to be delivered pursuant to this Interlocal Agreement shall be delivered by United States Mail to the following addresses:

As to the County:

County Administrator  
1200 E. Moody Blvd., #1  
Bunnell, FL 32110

As to the City:

City Manager  
P.O. Box 354610  
Palm Coast, FL 32135

9) This Interlocal Agreement may be amended only by written instrument specifically referring to this Interlocal Agreement and executed with the same formalities as this Interlocal Agreement, including, but not limited to, approval by the County Commission and the City Council, respectively.

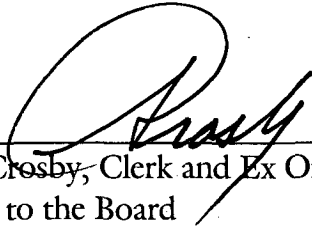
10) This Interlocal Agreement shall become effective upon execution by both parties and shall remain in full force and effect through and including September 30, 2003, and shall thereafter be automatically renewed for successive five (5) year terms unless terminated by either party pursuant to the provisions of Section 11 hereof.

11) This Interlocal Agreement may be terminated by either party, with or without cause, upon ninety (90) days written notice to the non-terminating party. No such termination shall affect the liability of the parties as set forth herein for matters which occur prior to the effective date of that termination.


IN WITNESS WHEREOF, the parties hereto have caused this Interlocal Agreement to be executed effective as of the day and year first above written.

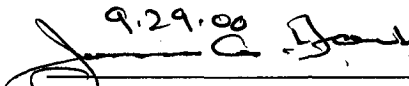
FLAGLER COUNTY BOARD  
OF COUNTY COMMISSIONERS

ATTEST:

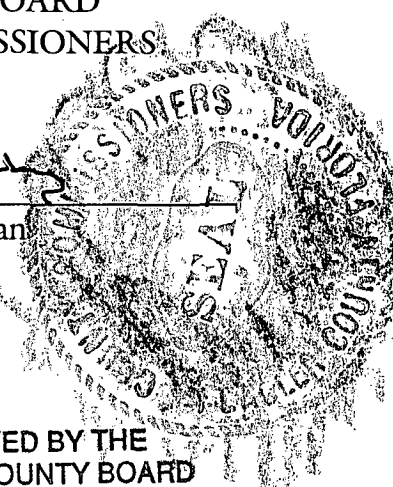
  
Syd Crosby, Clerk and Ex Officio  
Clerk to the Board

Approved as to Form:

  
County Attorney

9.29.00  
  
James A. Darby, Chairman

APPROVED BY THE  
FLAGLER COUNTY BOARD  
OF COUNTY COMMISSIONERS  
ON SEPTEMBER 27, 2000



THE CITY OF PALM COAST, FLORIDA

ATTEST:

  
Richard M. Kelton, City Clerk

Approved as to Form:

\_\_\_\_\_  
City Attorney

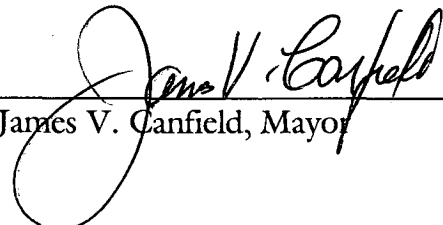
  
James V. Canfield, Mayor

EXHIBIT "A"

ROADS WITHIN, OR PARTIALLY WITHIN, CITY OF PALM COAST ELIGIBLE FOR IMPROVEMENTS UNDER TRANSPORTATION IMPACT FEES

<u>ROAD</u>	<u>FROM - TO</u>
Belle Terre Parkway	US 1 to Matanzas Woods Parkway
Palm Coast Parkway (EB & WB)	US 1 to Palm Harbor Drive
Pine Lakes Parkway	Belle Terre Parkway (S) to Belle Terre Parkway (N)
White View Parkway	US 1 to East End
Colbert Lane	SR 100 to Palm Coast Parkway (WB)
Royal Palms Parkway	US 1 to Belle Terre Parkway
Old Kings Road	Volusia County Line to US 1
Seminole Woods Parkway	US 1 to SR 100
Matanzas Woods Parkway	US 1 to East End, including the crossing of I-95 to the intersection with Old Kings Road
Florida Park Drive	Palm Coast Parkway to Palm Harbor Parkway
Palm Harbor Drive	Palm Coast Parkway to Palm Harbor Parkway
Palm Harbor Parkway	Palm Harbor Drive to Forest Grove Drive
Club House Drive	Palm Coast Parkway to Palm Harbor Parkway

**FLAGLER COUNTY, FLORIDA****ORDINANCE NO. 2003 - 14**

**AN ORDINANCE PERTAINING TO ROAD IMPACT FEES; AMENDING ORDINANCE NO. 2002-27; REVISING EXHIBITS A AND B; PROVIDING FOR INCORPORATION INTO THE FLAGLER COUNTY CODE, PROVIDING FOR SEVERABILITY, PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS, the Board of County Commissioners of Flagler County, Florida has determined it to be in the public interest to examine and amend Ordinance No. 2002-27 and Exhibits A and B thereto; and**

**WHEREAS, Flagler County's major road network is presently operating at Level of Service "C" or better, as required by its Comprehensive Plan; and**

**WHEREAS, the rapid growth experienced by Flagler County as a whole indicates continued expansion in public transportation facilities and services is essential to maintain an acceptable Level of Service on the County's major road network as designated by the County's adopted Comprehensive Plan; and**

**WHEREAS, modifications to the existing Ordinance No. 2002-27 are necessary to provide for proper contribution of proportionate shares in support of expanding elements of Flagler County's major road network to maintain a Level of Service required by the Comprehensive Plan, or better;**

**NOW, THEREFORE, be it ordained by the Board of County Commissioners of Flagler County, Florida Ordinance No. 2002-27 be amended as follows:**

**SECTION 1.**

**1. REVISIONS TO EXHIBIT A**

**See attached revised Exhibit "A".**

**2. REVISIONS TO EXHIBIT B**

**See attached revised Exhibit "B".**



SECTION 2. The provisions of this Ordinance shall be made a part of the *Flagler County Code*. The codifier of the *Code* shall change headings, reletter, and renumber sections hereof as necessary for that purpose.

SECTION 3. If any section, subsection, sentence, clause, phase or provision of this Ordinance is held to be unconstitutional or otherwise invalid by a court of competent jurisdiction, such unconstitutionality or invalidity shall not be construed as to render unconstitutional or invalid the remaining provisions of the Ordinance.

SECTION 4. All Ordinances, or parts of Ordinances, in conflict herewith are, to the extent of such conflict, hereby repealed.

This Ordinance is adopted this 2nd day of September, 2003 by the Board of County Commissioners of Flagler County, duly assembled at the Flagler County Courthouse, Bunnell, Florida.

BOARD OF COUNTY COMMISSIONERS  
OF FLAGLER COUNTY, FLORIDA

BY: James A. Darby

JAMES A. DARBY, CHAIRMAN

ATTEST:

BY: Gail Wadsworth

GAIL WADSWORTH, CLERK AND  
EX-OFFICIO CLERK TO THE BOARD

APPROVED AS-TO-FORM

Carl Kern  
CARL KERN, COUNTY ATTORNEY

DATE: 7/18/03

**EXHIBIT A (03)**  
**MAJOR ROAD NETWORK SYSTEM - COUNTYWIDE**

<b>ROAD</b>	<b>FROM TO</b>	<b>CLASSIFICATION</b>	<b>JURISDICTION</b>
Belle Terre Parkway	US 1 - Matanzas Woods Parkway	MA	City of Palm Coast
Club House Drive	Palm Coast Parkway - Palm Harbor Parkway	C	City of Palm Coast
Colbert Lane	Palm Coast Pkwy (WB) - Palm Coast Pkwy (EB)	MA	City of Palm Coast
Cypress Point Parkway	Belle Terre Parkway - Palm Coast Parkway	C	City of Palm Coast
Florida Park Drive	Palm Coast Pkwy (EB) - Palm Harbor Parkway	C	City of Palm Coast
Hargrove Grade	FEC Railroad East R/W - US 1	C	City of Palm Coast
Matanzas Woods Parkway	US 1 - Old Kings Road	MA *	City of Palm Coast
Palm Coast Pkwy (EB + WB)	US 1 - Boulder Rock Dr/Cypress Point Pkwy	MA	City of Palm Coast
Palm Coast Pkwy (EB + WB)	Boulder Rock Dr/Cypress Point Pkw - Old Kings Road	MA	State of Florida
Palm Coast Pkwy (EB + WB)	Old Kings Road - Palm Harbor Parkway	MA	City of Palm Coast
Palm Harbor Parkway	Palm Coast Parkway - Old Kings Road	MA **	City of Palm Coast
Pine Lakes Parkway	Belle Terre Pkwy (S) - Belle Terre Pkwy (N)	C	City of Palm Coast
Royal Palms Parkway	US 1 - Belle Terre Parkway	C	City of Palm Coast
Seminole Woods Parkway	US 1 - SR 100	C	City of Palm Coast
Wizla View Parkway	US 1 - Prichard Drive	C	City of Palm Coast
CR 302 (Canal Ave.)	Water Oak Road - CR 305	C	Flagler County
Colbert Lane	SR 100 - Palm Coast Pkwy (EB)	MA	Flagler County
CR 200B	CR 305 - Dead Lake	C	Flagler County
CR 205	SR 100 - CR 13	C	Flagler County
CR 302 (Canal Ave.)	CR 305 - SR 100	C	Flagler County
CR 304	CR 305 - US 1	MA	Flagler County
CR 305	Volusia County Line - SR 100	MA	Flagler County
CR 13	CR 205 - US 1	C	Flagler County
CR 201 (John Anderson Hwy)	Volusia County Line - SR 100	MA	Flagler County
CR 201 (John Anderson Hwy)	SR 100 - North End	C	Flagler County
Mala Compra Road	SR A-1-A - Atlantic Ocean	C	Flagler County
CR 2002 (Old Dixie Highway)	US 1 - I-95	MA	Flagler County
Old Kings Road	Volusia County Line - US 1	MA	Flagler County
Old Haw Creek Road	CR 304 - SR 100	C	Flagler County

# EXHIBIT A (03) (con't)

ROAD	FROM TO	CLASSIFICATION	JURISDICTION
Haingrove Grade	Old Stone Hunter Rd - FEC Railroad E.. R/W Line	C	Flagler County
Old Stone Hunter Road	CR 13 - US 1	C	Flagler County
Tangerine Ave (CR 80 W)	CR 305 - West End	C	Flagler County
Interstate 95	Volusia County Line - St Johns County Line	LA	State of Florida
US 1	Volusia County Line - St Johns County Line	PA	State of Florida
SR A-1-A	Volusia County Line - St Johns County Line	MA	State of Florida
SR 11	Volusia County Line - US 1	MA	State of Florida
SR 100	Putnam County Line - SR A-1-A	MA	State of Florida

Functional CLASSIFICATIONS = LA = Limited Access Principal Arterial  
PA = Principal Arterial  
MA = Minor Arterial  
C = Collector

- \* When completed across I-95 to Old Kings Road
- \*\* When extended to Old Kings Road/Matanzas Woods Parkway
- \*\*\* Scheduled for Flagler County Jurisdiction

**EXHIBIT B (03)**  
**TRANSPORTATION IMPACT FEE SCHEDULE**

**RESIDENTIAL**

		<b><u>UNITS</u></b>	<b><u>FEE</u></b>
210	Single Family Units.	Dwelling Unit (DU)	\$1,438.10
220	Apartments	Dwelling Unit (DU)	\$1,400.03
230	Residential Condominium/Townhouse	Dwelling Unit (DU)	\$733.83
240	Mobile Home Park	Dwelling Unit (DU)	\$507.86
310	Hotel	Rooms	\$837.38
320	Motel	Rooms	\$453.34
620	Nursing Homes	Bed	\$148.30

**OFFICE & FINANCIAL**

710	Office Under 10,000 Gross Square Feet	1,000 s.f.	\$2,803.38
710	Office Over 10,000 Gross Square Feet	1,000 s.f.	\$1,500.00
714	Corporate Headquarters Building	1,000 s.f.	\$959.02
720	Medical Office	1,000 s.f.	\$3,605.62
610	Hospital	1,000 s.f.	\$1,618.00
911	Bank with No Drive-Thru	1,000 s.f.	\$2,950.85
912	Bank with Drive-Thru	1,000 s.f.	\$7,111.14

**INDUSTRIAL**

110	Light Industry	1,000 s.f.	\$794.28
130	Industrial Park	1,000 s.f.	\$1,443.89
140	Manufacturing	1,000 s.f.	\$440.10
150	Warehouse	1,000 s.f.	\$560.23
151	Mini-Warehouse	1,000 s.f.	\$279.30

# **EXHIBIT B (03) (con't)** **TRANSPORTATION IMPACT FEE SCHEDULE**

		<u>UNITS</u>	<u>FEE</u>
<b><u>RETAIL</u></b>			
820	Retail: Less than 10,000 sf/la	1,000 sf/la	\$3,473.00
820	Retail: 10,000 - 99,999 sf/la	1,000 sf/la	\$2,249.87
820	Retail: 100,000 - 1,000,000 sf/la	1,000 sf/la	\$1,997.48
820	Retail: Greater Than 1,000,000 sf/la	1,000 sf/la	\$2,408.31
831	Quality Restaurant	1,000 s.f.	\$5,231.52
832	High Turn-Over Restaurant	1,000 s.f.	\$6,874.46
834	Fast Food Restaurant	1,000 s.f.	\$14,931.30
N/A	CBD Sandwich Shop	1,000 s.f.	\$3,104.03
837	Quick Lubrication	Bays	\$2,496.09
840	Auto Repair	1,000 s.f.	\$2,399.69
841	New & Used Car Sales	1,000 s.f.	\$3,418.87
849	Tire Stores	Bays	\$1,792.56
850	Supermarket	1,000 s.f.	\$4,413.73
851	Convenience Store	1,000 s.f.	\$11,144.29
853	Convenience Store w/Gas Pumps	1,000 s.f.	\$9,467.96
N/A	Convenience Store w/Gas Pumps & Fast Food	1,000 s.f.	\$17,832.32
862	Home Improvement Store	1,000 s.f.	\$2,333.95
881	Pharmacy/Drugstore w/Drive-Thru	1,000 s.f.	\$1,879.76
890	Furniture Store	1,000 s.f.	\$410.78
<b><u>RECREATION</u></b>			
N/A	General Recreation	Acres	\$498.57
N/A	Major Sports Facility	Parking Space	\$302.89
N/A	Local Park	Acres	\$228.33
N/A	District Park	Acres	\$339.35
<b><u>MISCELLANEOUS</u></b>			
444	Movie Theater	Screens	\$4,098.94
560	Church	1,000 s.f.	\$785.15
565	Day Care	1,000 s.f.	\$2,849.19

Bill

**FLAGLER COUNTY  
ORDINANCE NO. 2002- 27**

An Ordinance Pertaining to Road Impact Fees, Amending Ordinance No. 89-19; Deleting the Fee Schedule Discount Provision; Deleting the Required Impact Fee Study for Mobile Homes; Providing For Establishment of Fee Schedule by Ordinance; Providing for Payment of Impact Fees; Amending the Impact Fee Rate Formula; Providing Impact Fee Related Regulations; Amending the Road Construction Districts; Providing Roadway Nomenclature; Providing a Finding of Consistency with the Comprehensive Plan; Providing for Severability; Providing for Codification; and Providing for an Effective Date.

**WHEREAS**, the Board of County Commissioners of Flagler County, Florida has determined it to be in the public interest to examine and amend Ordinance 89-19 as necessary for clarity and efficiency; and

**WHEREAS**, Flagler County's major road network is presently operating at Level of Service "C" or better, as required by its Comprehensive Plan; and

**WHEREAS**, the rapid growth experienced by the County as a whole indicates the continued expansion in public transportation facilities and services is essential to maintain a Level of Service on the County's major road network as designated by the County's adopted Comprehensive Plan; and

**WHEREAS**, modifications to the existing Ordinance 89-19 are necessary to provide for proper contribution of proportionate shares in support of expanding elements of the County's major road network to maintain a Level of Service required by the Comprehensive Plan or better;

**NOW THEREFORE**, be it ordained by the Board of County Commissioners of Flagler County, Florida that Ordinance No. 89-19 be amended as follows:

**SECTION 1.** Section III *Definitions*, is hereby amended by adding the following provision:

F(a) Certificate of Occupancy means the development permit issued by the Flagler County Building Department in accordance with the Florida Building Code after completion of the final inspection for building or construction activity.

**SECTION 2.** Section V.A. is hereby repealed and replaced by the following provision.

A.

Fee Obligated at Commencement of  
Land Development Activity.  
Fee Determined at Issuance of Building Permit.  
Time of Fee Payment.

(1) Any person or governmental body who shall commence any impact-generating land development activity as herein defined shall be obligated to pay an impact fee upon the commencement of such land development activity. The fee shall be determined at the time of issuance of a building permit for the development. The fee shall be computed separately for the amount of development covered by the permit, if the building permit is for less than the entire development. If the fee is extracted for impact generating land development activity that increases impact because of a change in use, the fee shall be determined by computing the difference in the fee schedule between the new land development activity and the existing land development activity. The obligation to pay the impact fee shall run with the land. The impact fee shall be paid to the County Administrator or his/her designee at the time of issuance of a building permit for the development, except as provided herein.

Speculative ("spec") and "shell" commercial buildings not being constructed under contract or for a specific occupant, but which are being constructed and then placed on the market, may pay the required road impact fee either before the commencement of construction or prior to being issued a Certificate of Occupancy. However, in no instance shall a Certificate of Occupancy be issued without the full payment of all road impact fees. For any building permit to be issued for spec or shell commercial buildings during the period of October 15, 2002, until January 15, 2003, one-half of the total impact fee shall be paid prior to the issuance of the building permit and the remaining one-half portion of the impact fee paid prior to the issuance of a Certificate of Occupancy.

**SECTION 3** Section V(c), *Establishment of Fee Schedule* is hereby repealed and replaced with the following provision:

(c) *Fee schedule*

(1) Any person who shall initiate any new impact-generating land development activity, except those preparing an individual assessment of fiscal impact or those receiving an interpretation of the impact of their proposed land development activity, shall pay an impact fee as determined by the fee schedule established by this Ordinance, which impact fees are more particularly stated in the attached Exhibit "B." These fees may only be amended by Ordinance. This fee includes the cost of administering this article, which is not to exceed three (3) percent of the fee. If a building permit is requested for mixed uses, then the fee shall be

determined according to the schedule provided in this section by apportioning the space committed to uses specified on the schedule.

- (2) Every two (2) years, the county administrator shall recommend to the board of county commissioners whether any changes should be made to the impact fee schedule to reflect changes in the factors that affect the fee schedule. The purpose of this review is to analyze the effects of inflation on the actual costs of facilities, to assess potential changes in road improvement needs, to assess any changes in traffic characteristics (e.g., trip generation, trip length, and capture and diversion factors by district) and land uses, and to ensure that the fee charged new impact-generating activity will not exceed its pro rata share for the reasonably anticipated expansion costs of facilities necessitated by its presence.

**SECTION 4.** Section VI(b), *The Transportation Formula* is hereby repealed and replaced with the following provision:

- (b) *Transportation formula.*

- (1) The individual assessment of fiscal impact for the transportation facilities impact fee shall be calculated by the use of the following formula:

**IMPACT  
FEE**

$$\text{RATE} = \frac{(\text{ADT} \times \text{X} \times \text{COST} \times \text{TL})}{(\text{CAP} \times 2) - \text{CREDIT}}$$

ADT = Number of average daily trips generated

X = Percent new or primary trips

TL = Average trip lengths

CAP = Typical new capacity per lane mile in vehicles per day (7,100)

COST = Cost of right-of-way acquisition, if any, plus construction costs

CREDIT = Allowance for applicable credit and/or taxes. No credits shall be allowed for Flagler County gas tax revenue since those revenues are committed to highway maintenance only.

- (2) The fee calculations shall be based on data, information or assumptions contained in this article or independent sources, provided that:
  - a. The independent source is an accepted standard source of transportation engineering or planning data or information; or



- b. The independent source is a local study carried out by a qualified traffic planner or engineer pursuant to an accepted methodology of transportation planning or engineering.
- (3) The percent new trips factor used in the individual assessment of fiscal impact shall be based on actual surveys conducted in the county.

**SECTION 5.** Section VIII, Road construction districts is hereby repealed and replaced with the following provision:

*Section VIII. Road construction districts.*

For the purpose of ensuring that fee payers receive sufficient benefit for fees paid, three (3) transportation impact fee districts are established. The road construction districts are:

- DISTRICT No. 1 – All lands within the Corporate Limits of the City of Palm Coast.
- DISTRICT No. 2 – All lands, other than those within the Corporate Limits of the City of Palm Coast, lying east of the FEC Railroad right-of-ways.
- DISTRICT No. 3 – All lands, other than those within the Corporate Limits of the City of Palm Coast, lying west of FEC Railroad right-of-ways.

**SECTION 6.** Roadway Nomenclature.

For purposes of clarity in administering the Road Impact Fee Administration Program, the nomenclature provided in Exhibit "A" (attached hereto and incorporated herein) shall be used.

**SECTION 7.** Consistence with Comprehensive Plan.

This Ordinance is hereby found to be compliant with the goals and objectives of the Flagler County Comprehensive Plan.

**SECTION 8.** Severability.

If any section, subsection, sentence, clause, phrase or provision of this Ordinance is held to be unconstitutional or otherwise invalid by a court of competent jurisdiction, such unconstitutionality or invalidity shall not be construed as to render unconstitutional or invalid the remaining provisions of the Ordinance.

**SECTION 9.** Codification.

It is the intent of the Board of County Commissioners of Flagler County, Florida, that the provisions of this Ordinance shall be made a part of the Flagler County Code. The codifier of the Code shall change headings and reletter and renumber sections hereof as necessary for that purpose.

**SECTION 10. Effective Date.**

This Ordinance shall be filed with the Department of State, as provided by Section 125.66, Florida Statutes, and shall become effective on November 1, 2002.

**PASSED AND ENACTED BY THE BOARD OF COUNTY COMMISSIONERS  
OF FLAGLER COUNTY, FLORIDA, IN OPEN MEETING DULY ASSEMBLED IN THE  
FLAGLER COUNTY COURTHOUSE, IN THE CITY OF BUNNELL, FLORIDA**

**THIS 7<sup>th</sup> DAY OF OCTOBER, 2002.**

**BOARD OF COUNTY COMMISSIONERS  
OF FLAGLER COUNTY, FLORIDA**

10.14.02  
BY: James A. Darby  
James A. Darby, Chairman

**ATTEST:**

BY: Gail Wadsworth  
Gail Wadsworth, Clerk and  
Ex-Officio Clerk to the Board

**APPROVED-AS-TO-FORM**

Carl Kem  
Carl Kem, County Attorney

**APPENDIX A**  
**MAJOR ROAD NETWORK SYSTEM - COUNTYWIDE**

ROAD	FROM - TO	CLASSIFICATION	JURISDICTION
Belle Terre Parkway	US 1 - Matanzas Woods Parkway	MA	City of Palm Coast
Club House Drive	Palm Coast Parkway - Palm Harbor Parkway	C	City of Palm Coast
Colbert Lane	Palm Coast Pkwy (WB) - Palm Coast Pkwy (EB)	MA	City of Palm Coast
Cypress Point Parkway	Belle Terre Parkway - Palm Coast Parkway	C	City of Palm Coast
Florida Park Drive	Palm Coast Pkwy (EB) - Palm Harbor Parkway	C	City of Palm Coast
Hargrove Grade	FEC Railroad East R/W - US 1	C	City of Palm Coast
Matanzas Woods Parkway	US 1 - Bird of Paradise Drive	MA *	City of Palm Coast
Palm Coast Pkwy (EB + WB)	US 1 - Boulder Rock Dr/Cypress Point Pkwy	MA	City of Palm Coast
Palm Coast Pkwy (EB + WB)	Boulder Rock Dr/Cypress Point Pkw - Old Kings	MA	State of Florida
Palm Coast Pkwy (EB + WB)	Old Kings Road - Palm Harbor Parkway	MA	City of Palm Coast
Palm Harbor Parkway	Palm Coast Parkway - Forest Grove Drive	MA **	City of Palm Coast
Pine Lakes Parkway	Belle Terre Pkwy (S) - Belle Terre Pkwy (N)	C	City of Palm Coast
Royal Palms Parkway	US 1 - Belle Terre Parkway	C	City of Palm Coast
Seminole Woods Parkway	US 1 - SR 100	C	City of Palm Coast
White View Parkway	US 1 - Pritchard Drive	C	City of Palm Coast
CR 302 (Canal Ave.)	Water Oak Road - CR 305	C	Flagler County
Colbert Lane	SR 100 - Palm Coast Pkwy (EB)	MA	Flagler County
CR 2006	CR 305 - Dead Lake	C	Flagler County
CR 205	SR 100 - CR 13	C	Flagler County
CR 302 (Canal Ave.)	CR 305 - SR 100	C	Flagler County
CR 304	CR 305 - US 1	MA	Flagler County
CR 305	Volusia County Line - SR 100	MA	Flagler County
CR 13	CR 205 - US 1	C	Flagler County
CR 201 (John Anderson Hwy)	Volusia County Line - SR 100	MA	Flagler County
CR 201 (John Anderson Hwy)	SR 100 - North End	C	Flagler County
MalaCompra Road	SR A-1-A - Atlantic Ocean	C	Flagler County
CR 2002 (Old Dixie Highway)	US 1 - I-95	C	Flagler County
Old Kings Road	Volusia County Line - SR 100	MA	Flagler County
Old Kings Road	SR 100 - Lehigh Canal	N/A	Private
Old Kings Road	Lehigh Canal - US 1	MA	Flagler County
Old Haw Creek Road	CR 304 - SR 100	C	Flagler County

**EXHIBIT A**

**APPENDIX A**  
**MAJOR ROAD NETWORK SYSTEM - COUNTYWIDE**

ROAD	FROM - TO	CLASSIFICATION	JURISDICTION
Hargrove Grade	Old Stone Hunter Rd - FEC Railroad E.. R/W Lin	C	Flagler County
Old Stone Hunter Road	CR 13 - US 1	C	Flagler County
Tangerine Ave (CR 90 W)	CR 305 - West End	C	Flagler County
Interstate 95	Volusia County Line - St. Johns County Line	LA	State of Florida
US 1	Volusia County Line - St. Johns County Line	PA	State of Florida
SR A-1-A	Volusia County Line - St. Johns County Line	MA	State of Florida
SR 11	Volusia County Line - US 1	MA	State of Florida
SR 100	Putnam County Line - SR A-1-A	MA	State of Florida

Functional CLASSIFICATIONS = LA = Limited Access Principal Arterial  
PA = Principal Arterial  
MA = Minor Arterial  
C = Collector

\* When completed across I-95 to Old Kings Road

\*\* When extended to Old Kings Road/Matanzas Woods Parkway

**EXHIBIT B**  
**TRANSPORTATION IMPACT FEE SCHEDULE**

<b><u>CODE</u></b>	<b><u>LAND USE</u></b>	<b><u>UNIT OF MEASUREMENT</u></b>	<b><u>UNIT FEE ALL AREAS</u></b>
<b><u>Residential</u></b>			
210	Single Family Units	Dwelling Unit (DU)	\$966.59 per DU
220	Apartments	Dwelling Unit (DU)	941.01 per DU
230	Residential Condominium/Townhouse	Dwelling Unit (DU)	493.23 per DU
240	Mobile Home Park	Dwelling Unit (DU)	341.35 per DU
310	Hotel	Rooms	562.83 per Room
320	Motel	Rooms	306.05 per Room
620	Nursing Homes	Bed	99.67 per Bed
<b><u>OFFICE &amp; FINANCIAL</u></b>			
710	Office Under 10,000 Gross Square Feet	1,000 s.f.	\$1,884.24 per 1,000 s.f.
710	Office Over 10,000 Gross Square Feet	1,000 s.f.	1,008.70 per 1,000 s.f.
714	Corporate Headquarters Building	1,000 s.f.	644.58 per 1,000 s.f.
720	Medical Office	1,000 s.f.	2,423.45 per 1,000 s.f.
610	Hospital	1,000 s.f.	1,087.51 per 1,000 s.f.
911	Bank with No Drive-Thru	1,000 s.f.	1,983.36 per 1,000 s.f.
912	Bank with Drive-Thru	1,000 s.f.	4,779.62 per 1,000 s.f.
<b><u>INDUSTRIAL</u></b>			
110	Light Industry	1,000 s.f.	\$533.86 per 1,000 s.f.
130	Industrial Park	1,000 s.f.	970.49 per 1,000 s.f.
140	Manufacturing	1,000 s.f.	295.80 per 1,000 s.f.
150	Warehouse	1,000 s.f.	376.55 per 1,000 s.f.
151	Mini-Warehouse	1,000 s.f.	187.73 per 1,000 s.f.

**EXHIBIT B**  
**TRANSPORTATION IMPACT FEE SCHEDULE**

**RETAIL**

820	Retail: Less than 10,000 sf gla	1,000 sf gla	\$2,334.31 per 1,000 sf gla
820	Retail: 10,000 - 99,999 sf gla	1,000 sf gla	1,512.07 per 1,000 sf gla
820	Retail: 100,000 - 1,000,000 sf gla	1,000 sf gla	1,342.57 per 1,000 sf gla
820	Retail: Greater Than 1,000,000 sf gla	1,000 sf gla	1,618.70 per 1,000 sf gla
831	Quality Restaurant	1,000 s.f.	3,529.71 per 1,000 s.f.
832	High Turn-Over Restaurant	1,000 s.f.	4,620.54 per 1,000 s.f.
834	Fast Food Restaurant	1,000 s.f.	10,035.79 per 1,000 s.f.
N/A	CBD Sandwich Shop	1,000 s.f.	2,086.31 per 1,000 s.f.
837	Quick Lubrication	Bays	1,677.70 per 1,000 s.f.
840	Auto Repair	1,000 s.f.	1,612.90 per 1,000 s.f.
841	New & Used Car Sales	1,000 s.f.	2,297.83 per 1,000 s.f.
849	Tire Stores	Bays	1,204.84 per 1,000 s.f.
850	Supermarket	1,000 s.f.	2,966.60 per 1,000 s.f.
851	Convenience Store	1,000 s.f.	7,490.42 per 1,000 s.f.
853	Convenience Store w/Gas Pumps	1,000 s.f.	6,363.71 per 1,000 s.f.
N/A	Convenience Store w/Gas Pumps & Fast Food	1,000 s.f.	11,999.10 per 1,000 s.f.
862	Home Improvement Store	1,000 s.f.	1,570.07 per 1,000 s.f.
881	Pharmacy/Drugstore w/Drive-Thru	1,000 s.f.	1,263.46 per 1,000 s.f.
890	Furniture Store	1,000 s.f.	276.10 per 1,000 s.f.

**RECREATION**

N/A	General Recreation	Acres	\$335.11 per Acre
N/A	Major Sports Facility	Parking Space	203.58 per Parking Space
N/A	Local Park	Acres	153.48 per Acre
N/A	District Park	Acres	228.09 per Acre

**MISCELLANEOUS**

444	Movie Theater	Screens	\$4,098.94 per Screen
560	Church	1,000 s.f.	527.72 per 1,000 s.f.
565	Day Care	1,000 s.f.	1,915.03 per 1,000 s.f.

**INTERLOCAL AGREEMENT  
BETWEEN FLAGLER COUNTY, FLORIDA AND  
THE CITY OF PALM COAST, FLORIDA  
REGARDING TRANSPORTATION IMPACT FEES**

THIS INTERLOCAL AGREEMENT, entered into this 29 day of September, 2000 between the COUNTY OF FLAGLER, (hereinafter known as COUNTY), and the City of Palm Coast, (hereinafter known as CITY);

**WITNESSETH:**

WHEREAS, the COUNTY has established by Chapter 17, Article III, *Flagler County Code*, a Transportation Facilities Impact Fee which is collected on all new construction on a Countywide basis;

WHEREAS, beginning on October 2, 2000, the CITY as part of its building permit process will collect a Transportation Facilities Impact Fee on behalf of the COUNTY prior to the issuance of a building permit;

WHEREAS, the COUNTY wishes to co-ordinate with the CITY in transportation planning as it relates to County roads located in the City limits; and

WHEREAS, the parties are authorized by Chapter 163, *Florida Statutes*, to enter into Interlocal Agreements for the efficient performance of governmental functions;

NOW, THEREFORE, for and in consideration of the mutual benefits set forth herein, the parties hereby covenant and agree as follows:

1) The CITY shall collect all Transportation Facilities Impact Fees for new construction within the CITY and shall remit such fees to the COUNTY quarterly. The CITY shall be compensated with a service fee of three percent (3%) of the gross fees collected. Such fee shall be deducted from the amount received by the CITY prior to the remittance to the COUNTY. The CITY will assist the COUNTY'S auditors in reviewing the process annually.

2) The CITY shall calculate the amount of the Transportation Facilities Impact Fee to be collected in conjunction with each building permit application. The COUNTY hereby releases CITY and CITY's officers, employees and agents from any liability for good faith errors in the determination of the amount of Impact Fees payable.

The COUNTY shall calculate the amount of any credits which are claimed as an offset to Impact Fees otherwise due and payable. The CITY assumes no responsibility for ensuring the COUNTY'S compliance with any impact fee agreements entered into by the COUNTY. The COUNTY shall be solely responsible for ensuring compliance with impact fee agreements whether said impact fees are collected by the COUNTY or by the CITY.

In the event of a challenge to the amount of the impact fee calculated by the CITY, that challenge shall be referred to the COUNTY for dispute resolution, including, where applicable, an appeal of the fee determination.

3) The COUNTY shall set Transportation Facilities Impact Fees and shall advise the CITY of those fees and any other matters concerning their collection and implementation.

4) To the extent permitted by law, the CITY shall be exempt from the imposition and collection of impact fees for the construction of any municipal building used for municipal purposes.

5) The COUNTY has conducted a study and has determined the major transportation projects within the corporate limits of the CITY. A listing of qualifying roads within the CITY is attached hereto as EXHIBIT "A". The COUNTY will coordinate with the CITY concerning project priority determinations of roadway improvement projects within the CITY.

6) The COUNTY may expend local Transportation Facility Impact Fee funds on State arterial roads located in the CITY provided that the State roadway segment is exceeding the adopted County LOS Standard and State (FDOT) funds are not available. The COUNTY will require formal agreements with the State Department of



Transportation (FDOT) for the reimbursement of local Transportation Facility Impact Fee funds expended on the State arterial road network.

7) The COUNTY will review the County's Road Network System, comprised of State arterial and County collectors annually, for possible inclusion of collector roadways located within the CITY. The COUNTY will co-ordinate with the CITY in conducting that review.

8) All notices or other documents required or permitted to be delivered pursuant to this Interlocal Agreement shall be delivered by United States Mail to the following addresses:

As to the County:

County Administrator  
1200 E. Moody Blvd., #1  
Bunnell, FL 32110

As to the City:

City Manager  
P.O. Box 354610  
Palm Coast, FL 32135

9) This Interlocal Agreement may be amended only by written instrument specifically referring to this Interlocal Agreement and executed with the same formalities as this Interlocal Agreement, including, but not limited to, approval by the County Commission and the City Council, respectively.

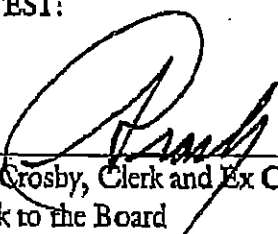
10) This Interlocal Agreement shall become effective upon execution by both parties and shall remain in full force and effect through and including September 30, 2003, and shall thereafter be automatically renewed for successive five (5) year terms unless terminated by either party pursuant to the provisions of Section 11 hereof.

11) This Interlocal Agreement may be terminated by either party, with or without cause, upon ninety (90) days written notice to the non-terminating party. No such termination shall affect the liability of the parties as set forth herein for matters which occur prior to the effective date of that termination.


IN WITNESS WHEREOF, the parties hereto have caused this Interlocal Agreement to be executed effective as of the day and year first above written.

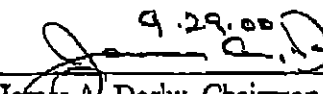
FLAGLER COUNTY BOARD  
OF COUNTY COMMISSIONERS

ATTEST:

  
Syd Crosby, Clerk and Ex Officio  
Clerk to the Board

Approved as to Form:

  
County Attorney


9.29.00  
  
James A. Darby, Chairman

APPROVED BY THE  
FLAGLER COUNTY BOARD  
OF COUNTY COMMISSIONERS

ON SEPTEMBER 27, 2000

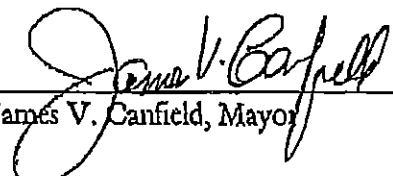
THE CITY OF PALM COAST, FLORIDA

ATTEST:

  
Richard M. Kelton, City Clerk

Approved as to Form:

  
City Attorney

  
James V. Canfield, Mayor

**EXHIBIT "A"**

ROADS WITHIN, OR PARTIALLY WITHIN, CITY OF PALM COAST ELIGIBLE FOR  
IMPROVEMENTS UNDER TRANSPORTATION IMPACT FEES

*for Impact  
Fee Study*

<u>ROAD</u>	<u>FROM - TO</u>
Belle Terre Parkway	US 1 to Matanzas Woods Parkway
Palm Coast Parkway (EB & WB)	US 1 to Palm Harbor Drive
Pine Lakes Parkway	Belle Terre Parkway (S) to Belle Terre Parkway (N)
White View Parkway	US 1 to East End
Colbert Lane	SR 100 to Palm Coast Parkway (WB)
Royal Palms Parkway	US 1 to Belle Terre Parkway
Old Kings Road	<i>Will</i> Volusia County Line to US 1
Seminole Woods Parkway	US 1 to SR 100
Matanzas Woods Parkway	US 1 to East End, including the crossing of I-95 to the intersection with Old Kings Road
Florida Park Drive	Palm Coast Parkway to Palm Harbor Parkway
Palm Harbor Drive	Palm Coast Parkway to Palm Harbor Parkway
Palm Harbor Parkway	Palm Harbor Drive to Forest Grove Drive
Club House Drive	Palm Coast Parkway to Palm Harbor Parkway



*Office of the Mayor*

May 20, 2013

Flagler County Commission Chair  
Nate McLaughlin  
1769 E. Moody Blvd., Bld. 2  
Bunnell, FL 32110

Dear Mr. McLaughlin:

For more than a year now we've been talking about the City of Palm Coast's plans to extend Old Kings Road and Palm Harbor Parkway in preparation for construction of the Matanzas Woods Parkway/I-95 interchange. The roadway extensions are a top priority of the City, and are essential to keeping heavy traffic off residential streets and the roadway in front at Matanzas High School once the interchange opens. These road improvements are also key to improving public safety by offering a better evacuation route during hurricanes and other weather emergencies.

Last May, we agreed to work together. The City took the first step in summer 2012 by moving nearly \$1.5 million from two City projects to the County for the interchange project. With the additional funding from the FDOT, the budgeted costs of the interchange project were fully funded, so no transportation impact fees would be needed beyond what had already been allocated for design.

The next step was to execute the interlocal agreement between the City and the County enabling the City to move forward with the Old Kings Road and Palm Harbor Parkway extensions. We jointly came up with an overall plan and successfully worked through three other interlocal agreements earlier this year. But this particular interlocal agreement regarding the distribution of transportation impact fees to the City for the roadway extensions projects has stalled. The City has provided County staff with the interlocal agreement at least twice, with the most recent copy and request for review and comments in March 2013. But the County has failed to respond and has cancelled four meetings with the City to discuss the matter.

This has been on the table for more than a year. We have all agreed to this interlocal agreement, and we have all agreed the City is to receive the impact fees to pay for this project. We are ready now to close on property transactions needed to obtain the necessary right-of-way before we can get started on construction.

We are now respectfully requesting your help in expediting the review and execution of the needed Interlocal Agreement (attached). The City has kept up its end of the agreement, and we don't understand the County's delay in seeing this through. We would formally request that you place this on the agenda of the next meeting of the Flagler County Commission. We truly need your assistance in moving this forward in a timely manner.

We are available to meet with you or answer any questions you might have.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jon Netts', with a long horizontal flourish extending to the right.

Jon Netts  
Mayor

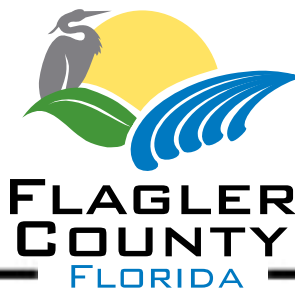
JN/jdm

Attachment – Interlocal Agreement Transportation Projects

cc: V. Chairman Hanns, Commissioner Ericksen, Commissioner Meeker, Commissioner Revels  
Palm Coast City Council  
Palm Coast Executive Team

# Board of County Commissioners

1769 E. Moody Blvd Bldg 2  
Bunnell, FL 32110



[www.flaglercounty.org](http://www.flaglercounty.org)

Phone: (386)313-4001

Fax: (386)313-4101

May 23, 2013

The Honorable Jon Netts  
Mayor, City of Palm Coast  
160 Cypress Point Parkway  
Suite B-106  
Palm Coast, FL 32164

Dear Mayor Netts:

Thank you for your letter dated May 20, 2013 regarding a new interlocal agreement for the County's transportation impact fees.

You are correct that both the City of Palm Coast and County officials have generally agreed to allow the City to use the remaining County impact fees in this particular fund for specific projects desired by the City. As you know, however, the devil is always in the details and that is what our staff has been working through to complete this agreement and carryout the general intent of the parties.

It was the hope of the County to finalize a draft interlocal agreement by now, but unfortunately because the land acquisition took so long (approximately a year and a half) and because we had to drop everything to complete the other recent interlocal agreements, timing wise the need for this new interlocal has fallen in the middle of many other key County projects we are working on, all of which require extensive time and energy by limited County staff.

However, we are making progress. While we appreciate the previous drafts sent by the City, those drafts had many issues rolled into them (that have since been segregated) and the agreements did not address the specific details the County needed to address. Additionally, we have had to take time away from working on the interlocal agreement to address a variety of information given to the media, public, and our Commissioners, to somehow pressure the situation. Having said all that, as our Administrator has repeatedly conveyed to your City Manager our goal now is to have this new agreement adopted and signed by both parties by the end of June. To that end, we have began internally drafting an interlocal agreement that we are working to complete and have to you by the end of next week. That will not make the meeting you desired but, hopefully, it will give you more of a timeframe on which you can start to work. If the draft we send you is acceptable the parties could get this new agreement adopted and signed at their second meeting in June.

---

**Charles Ericksen, Jr.**  
District 1

**Frank Meeker**  
District 2

**Barbara Revels**  
District 3

**Nate McLaughlin**  
District 4

**George Hanns**  
District 5

The Honorable Jon Netts  
May 23, 2013  
Page Two

If this timeframe does not work, this may at least allow you to close on any property and take any other necessary actions by temporarily using City funds knowing that the County's transportation impact fees will be provided in the near future. This will avoid you losing any time in the completion of these projects that are important to the City.

We apologize for any timing inconvenience this may have caused and appreciate the understanding of the City Council. We are excited about our ongoing positive cooperative efforts and believe there are many more ahead. We are thankful to have the City as a partner in providing the best possible services to the residents of our community.

Sincerely,

Nate McLaughlin, Chair  
Flagler County Board of County Commissioners

C: Flagler County Board of County Commissioners  
City of Palm Coast Commissioners  
City of Palm Coast Executive Team